

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

COUNSEL HOLDINGS, INC.,

Plaintiff,

v.

EVAN P. JOWERS,

Defendant.

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1:18-CV-444-RP

AMENDED FINAL JUDGMENT

On this day, the Court granted Evan P. Jowers's Notice/Motion to Amend Judgment, (Dkt. 346). The Court also granted in part Yuliya Vinokurova's Motion to Amend Judgment, (Dkts. 355). The Court also granted in part Counsel Holdings, Inc.'s Motion to Amend Judgment. Accordingly, the Court renders the following Amended Final Judgment pursuant to Federal Rule of Civil Procedure 58.

The Court finds that Counsel Holdings, Inc. is the successor in interest to each of the agreements and claims at issue in this lawsuit and is the properly named Plaintiff in this lawsuit.

Therefore, **IT IS ORDERED** that judgment is awarded in favor of the plaintiff, Counsel Holdings, Inc. ("Counsel Holdings").

IT IS FURTHER ORDERED that the following damages are **AWARDED** to Counsel Holdings:

Misappropriation of Trade Secrets	\$515,326.20
Breach of Jowers Agreement	\$3,082,841.72
Forgivable Loan	\$26,204.90
Revolving Loan	\$15,759.78
Total	\$3,640,132.60

IT IS FURTHER ORDERED that the following pre-judgment interest amounts are **AWARDED** to Counsel Holdings:

Misappropriation of Trade Secrets	\$155,455.30
Breach of Jowers Agreement	\$671,294.33
Total	\$826,749.63

IT IS FURTHER ORDERED that the Court will award reasonable attorney fees to MWK for breach of the Jowers Agreement, Forgivable Loan, and Revolving Loan in an amount to be determined upon presentation of attorney fee evidence. **IT IS FURTHER ORDERED** that MWK shall file a motion for reasonable attorneys' fees and a bill of costs, with supporting documentation, no later than fourteen days after the entry of final judgment, pursuant to Local Rules CV-7(j)(1) and CV-54(a).

IT IS FURTHER ORDERED that post-judgment interest shall accrue beginning on September 19, 2022, the day the judgment was filed with the Comptroller General. *See* 28 U.S.C. § 1961, 31 U.S.C. § 1304(b)(1)(A); *Transco Leasing Corp. v. United States*, 992 F.2d 552, 557 (5th Cir. 1993). The post-judgment interest rate as of September 16, 2022, was 3.91% per annum. *See* <https://www.txwd.uscourts.gov/for-attorneys/post-judgment-interest-rates-weekly/>.

IT IS FURTHER ORDERED that Counsel Holdings' claims against Defendants Legis Ventures and Alejandro Vargas for misappropriation of trade secrets under the Federal Defend Trade Secrets Act and the Texas Uniform Trade Secrets Act and civil conspiracy are **DISMISSED** for lack of personal jurisdiction.

IT IS FURTHER ORDERED that Counsel Holdings' claims against Yuliya Vinokurova for misappropriation of trade secrets under the Federal Defend Trade Secrets Act and the Texas Uniform Trade Secrets Act and breach of contract are **DISMISSED** for failure to state a claim upon which relief could be granted.

IT IS FURTHER ORDERED that Counsel Holdings' claims against Yuliya Vinokurova for misappropriation of trade secrets under the Federal Defend Trade Secrets Act and the Texas Uniform Trade Secrets Act and breach of contract are **DISMISSED** for failure to state a claim upon which relief could be granted.

IT IS FURTHER ORDERED that Counsel Holdings' civil conspiracy claim is **DISMISSED** for failure to state a claim upon which relief could be granted.

IT IS FURTHER ORDERED that all other relief not specifically granted is denied.

IT IS FINALLY ORDERED that this case is **CLOSED**.

SIGNED on July 25, 2023.

A handwritten signature in blue ink, appearing to read "Rob Pitman", with a long horizontal flourish extending to the right.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE